

“I Accuse!”

From the Suppressed Statement of
Manabendra Nath Roy on Trial
for Treason Before Sessions
Court, Cawnpore, India.

With an Introduction by
ASWANI KUMAR SHARM

Published for the
ROY DEFENSE COMMITTEE OF INDIA

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INTRODUCTION

The attention of the entire world has been centered upon the historic trial of the internationally famous Indian Communist, Manabendra Nath Roy, who stood charged under Section 121 A, I.P.C. ("conspiracy to deprive the King of his sovereignty in India," in other words, treason), before the imperialist court at Cawnpore (U.P.).

For more than twenty years Roy's name has been very closely associated with the revolutionary movement all over the world. In early days, he was one of the active leaders of the terrorist movement in Bengal. Several times, he was arrested and charged under various sections of the Indian Penal Code and ever since the year 1908, his existence became legally impossible in this country. Just before the beginning of the great World War, when he was arrested for the last time, he managed to leave the Indian shores and eventually reached America. He devoted much of his time to an exhaustive study of the writings of Karl Marx, Friedrich Engels and other authorities on social, political and economic sciences. Soon he was recognized as one of the leading Marxists in those days.

While in America, Roy was arrested in connection with his political activities. Here too he managed to escape, when released on bail. Not long afterwards he was found in Mexico which was at that time in the throes of national revolution. Roy actively helped the Mexican movement, organized a Communist party and was its secretary. Moreover, he visited the Philippines, Dutch Indies, Java, Sumatra, China, etc., where he actively participated in the revolutionary movement and tried to organize Communist parties.

Just after the war, Roy decided to leave for Europe. He arrived at Berlin just two days before the outbreak of the German revolution. Later on he left for Moscow where he met Lenin. Roy became one of the trusted

friends and comrades of Lenin and helped him to lay down the foundation of the Communist International. Roy was elected to the bench of the presidents of the Communist International (presidium) and was for nine years a member of its highest executive, the Political Buro. He was even elected to the executive of the Moscow Soviet.

Ever since 1920, Roy carried on an intensive propaganda in favor of India's right to self-determination and for the overthrow of the imperialist domination. He devoted much of his energy to the organization of the revolutionary party of the Indian working class (the Communist party) and has been able to lay down its ideological foundation. With this aim in view, he wrote a large number of articles as well as books and pamphlets, important amongst them being: "One Year of Non-Cooperation," "Aftermath of Non-Cooperation," "India In Transition," "India's Problems and Solutions," "Political Letter," "What Do We Want?" and "Future of Indian Politics." In these books and pamphlets, Roy heralds the birth of a new class (the working class) and lays down the basic principles and program of the national democratic revolution which the world is to witness in the near future.

To a large extent as a result of his relentless propaganda and unceasing agitation, the revolutionary working class movement as well as the struggle of the Indian masses was rapidly developing. The imperialist government was alarmed. Obtaining the collaboration of the police of other capitalist countries, the British government got Roy expelled from France, Germany, Sweden, Italy, Holland, Switzerland, etc., thus violating the very international law of the bourgeois democratic world. In order to help the execution of the warrant issued by a magistrate in India, the first Labor Government (under the premiership of MacDonald) went to the extent of persuading the French police to hand over Roy to the agents of the Scotland Yard. But the plan miscarried. Having been expelled from one country after the other, Roy could not legally stay in any country of the world except Russia. In spite of the brutal suppression of the trade union as well as national revolutionary movement by the government,

the followers of Roy in India, with courage and determination, carried on agitation and propaganda in favor of complete national independence of the Indian people and organized a large number of trade unions and peasants organizations. During the years 1926-1928, strikes broke out all over the country and the workmen began to join their respective class organizations in large numbers. The imperialist government took serious note of the situation and arrested, once again in the middle of 1929, a large number of trade union workers and anti-imperialist fighters and charged them under Section 121 A ("waging war against the King"). This "Meerut conspiracy" case has lasted over two years. Roy is a principal figure and has been described by the trying court at Meerut as the "source of all trouble."

During the years 1926-27, the attention of the entire world was focused on the events in China. The revolt and heroic struggle of the Chinese coolies against the latest engines of destruction and warfare had challenged the very existence of imperialism. At this critical juncture of China's history, Roy's services were demanded. Towards the close of the year 1926, Roy, as the sole delegate and representative of the C.I., left for China. By the time he arrived at Canton, the situation was changed. Counter-revolution was raising its head. Roy tried his best, with the help and cooperation of Russian and Chinese Communists (among them being the organizer of the Chinese national revolutionary army, Galen), to avert the coming catastrophe. But in vain! China was plunged into a bloody counter-revolution. More than 35,000 Chinese Communists, workers and peasants, were mercilessly murdered at the order of the "Nationalist" generals like Chiang Kai-shek and, on the blood of the poverty-stricken and downtrodden Chinese masses, the present monument of the "Nationalist" government at Nanking has been raised.

Roy's rich experiences before and during the years 1926 and 1927 in China are now published in the form of a large volume "Revolution and Counter-Revolution in China," printed in German and received in America and Europe as the outstanding contribution towards

the proper understanding of the Chinese situation.

Soon serious differences arose in the Communist International on a large number of important questions. The Indian Communists were called upon by the Communist International to fight for the dictatorship of the proletariat and the establishment of the Soviets while Roy maintained that the Indian Communists should prepare the masses for national liberation, which would pave the way for the establishment of a socialist society. The majority of the Indian Communists, as realists and present on the spot, supported Roy's point of view and until today they are working on the same line. As a result of the strong criticism of the official Communist point of view on all questions of strategy and tactics, a large number of Communists all over the world were expelled and there exist Communist parties and groups in opposition to the new line of the C.I. Moreover, there exists an international body under whose banner all the oppositional Communist organizations are mobilized and from the numerous writings of the outstanding leaders of the Communist Opposition, like Roy, Thalheimer, Brandler and Lovestone, it is very clear that the International Communist Opposition is working for the correction of the mistakes committed by the present leadership of the C.I., for the defense of Soviet Russia and for building up and strengthening of the Communist International.

In the year of 1930, Roy issued his famous Manifesto which urged upon the members of the revolutionary trade union movement in India to organize and prepare the oppressed and exploited masses of India for a revolutionary fight against British imperialism and for the assertion of their right to self-determination. It further called upon these elements to organize the much needed revolutionary party of the Indian working class (the Communist party) and to carry on a relentless agitation for the election of the National Constituent Assembly as the only sovereign authority of the oppressed and exploited classes. Ever since the publication of this Manifesto, the trade union movement, which had been totally ruined and crushed during the year 1929-30, was once more revived. Roy's followers in India worked with double vigor and

energy and the program and principles of the national democratic revolution, as advocated by Roy, were endorsed by a large number of organizations of the oppressed and exploited masses, and attempts in the direction of building up the much needed political party of the Indian proletariat continued.

Once again the mighty imperialism was alarmed. The thin upper stratum of the Indian people too was bewildered. Acting on the rumor that Roy had arrived in India, the Indian police out of nervousness arrested a number of persons at Bombay, Calcutta, Benares, Lucknow, Faizabad, etc., suspecting all of them of being M. N. Roy. For a time, Roy was like a ghost hovering over the Indian police.

It was to organize and participate in the movement for national liberation of the Indian people that Roy took the great risk in coming to India. It was on June 21, 1931 that Roy was arrested in Bombay on a warrant issued seven years ago in connection with the "Bolshevik conspiracy" case of 1924. Early in the morning in the neighborhood of the working class area, the Bombay police raided a house in which he was staying. All the police officers rushed into the room with pistol in hand to arrest an unarmed sleeping man. He was detained in custody for more than eleven days, during which a large number of arrests were made all over the country on the charge of harboring Roy. Innumerable houses were raided and a large number of persons were harassed during those nervous ten days. Amongst those arrested on the charge of harboring Roy were officials of the All-India Congress, trade union officials, members of the executive committee of the Bombay Nawjuwan-Bharat-Sabha and a Swiss lady, Mrs. Geissler.

While in police custody, Roy was not allowed to see any one nor communicate with any one outside. Even his lawyers were not allowed to see him. The working class and the nationalist rank and file were not slow to protest against Roy's arrest. Mass meetings, huge demonstrations, were the order of the day. Thousands of people demonstrated before the police station where Roy was detained. Thereupon Roy was secretly removed by the police up to Cawnpore where the case

of 1924 was tried. The movement of protest and for Roy's unconditional release led by the Trade Union Congress and other allied bodies, Nawjuwan-Bharat-Sabha and the Youth League, spread thruout the country and defense committees were formed in almost every town and city in India. This even spread beyond seas and thruout Europe, America and other countries, demonstrations and meetings were organized. To put it shortly in the words of Eduard Fuchs, the world famous German historian, "the arrest of Roy and the campaign for his unconditional release brought the Indian question more prominently and clearly before the entire world than before." At Hamburg more than twenty thousand workers demanded Roy's release by addressing an open letter to the British consulate. The demand for Roy's release was developing with momentum all over the world. The world famous scientist, Professor Albert Einstein, cabled to the Round Table Conference in London and demanded of the British government that Roy should be set free.

But imperialism had no regard for world opinion. Roy was placed before the magistrate on August 1, 1931. Here, too, Roy was not allowed to see any one or communicate with any lawyer. He applied to the magistrate for trial. He argued the application himself in the open court which was surrounded by strong armed police guards to keep away people assembled to greet the prisoner of the British Raj. Seeing the popular feeling in favor of Roy, the magistrate got nervous and transferred the court to jail. Roy's telegrams and letters to Ramsay MacDonald, the Lord Chancellor, Fenner Brockway, James Maxton, Lansbury, all members of the British Parliament, were withheld. He was not permitted to write letters to the president of the National Congress and to the leader of the opposition in the Assembly. All interviews, even by the secretary of the defense committee, were not allowed by the government. Pandit Jawaharlal Nehru was not allowed an interview with Roy. Moreover, he was placed in a damp and dirty cell under iron blockade and Indian newspapers and books (which came from America) were not allowed. All these unprecedented restrictions were placed upon a prisoner

under trial on the plea that the government was convinced that Roy "wanted to use his trial for seditious and revolutionary propaganda." On this specious pretext even representatives of the nationalist dailies were refused admission to the court and only a representative of the semi-official agency, the A.P., was admitted. A strong censorship was kept on the news about the treatment of Roy in prison and on important declarations and pronouncements of the accused, thus preventing them from getting abroad.

Mass demonstrations, public meetings and trade union organizations, along with radical nationalist and working class leaders like Pandit Jawaharlal Nehru and R. S. Ruiker (president of the T.U.C.) protested against the barbarous treatment meted out to Roy and demanded public agitation against such a medieval policy of a government pretending to be civilized and modern. But the imperialist rulers of our country have practically no regard for public opinion. The magistrate (as ordered by superior authority) did not allow Roy to make a statement and merely committed him to sessions court for trial. The magistrate declared frankly: "I will not allow the accused (Roy) to make seditious propaganda."

The trial in the Court of Sessions began on November 3, 1931. Roy refused to appear before a court sitting behind the prison walls. But by order of the imperialist judge, he was brought to the court by force. In this barbarous and most medieval fashion the trial went on. The judge (again as ordered) declared that he would not allow Roy to make any statement. (In all the political cases the accused is asked to make a statement and Roy was privileged to do so.) No defense witnesses were allowed nor was the defense allowed to argue the case.

The mighty imperialist rulers of India were nervous. They were too anxious to close the prison gates on Roy, so that they would be secure and sitting tight in the saddle of the established order. With the approach of the new year Roy's fate was to be decided. On January 9, 1932, the imperialist court awarded him the most inhuman and brutal sentence of twelve years transportation.

Roy, dressed like a convict and fettered heavily, was secretly removed from Cawnpore jail to Berilly Central jail by a well guarded armed police van. At present he is languishing in the District Jail at Berilly (U.P.), carefully segregated from all political prisoners, kept in solitary confinement in a small, dirty cell and deprived of all facilities ordinarily granted to political prisoners.

The readers of the following pages of Roy's masterly statement which was not allowed in the sessions court, will find that the defense of Roy is not his personal defense but that of the right of the Indian people to self-determination and national freedom. Basic constitutional issues affecting the people of this country are raised in the course of this statement. In the history of the entire colonial peoples, no one has yet put such a courageous and bold defense, completely disregarding one's individual self.

Altho Roy is confined today behind the four walls of the prison, the seeds that he has sown will grow as the harbinger of the coming social order, overthrowing the imperialist domination over India, freeing her from colonial slavery. The supreme tribunal of the Indian masses, for whose prosperity and progress Roy has worked relentlessly for more than twenty years, will vindicate him, will liberate him from the imperialist prison and will hail him as the father of modern and free India, which is in the process of making.

January, 1932.

ASWANI KUMAR SHARMA

MY DEFENSE

"The statement which I was not allowed to make in the Sessions Court, Cawnpore U. P."

M. N. ROY

As I have been able to gather, the sum and substance of the evidence against me is: 1. That I have advocated the right of the Indian people to be free of the present foreign domination; 2. that I have tried to organize a political party with the object of asserting this right; 3. that I have held that India cannot be really free unless separated from the British Empire; 4. that I have advocated the application of force as the means for attaining the goal of national freedom; and, 5. that in all this I have acted as the agent of the Communist International.

The crux of the prosecution case is that force and violence are advocated in the documents which are alleged to be written by me. But force is force. The moral philosophy of the ruling power is that force becomes criminal when directed against it but that it is an instrument of virtue when employed for the preservation of the ruling power. In other words the mercenary army with which the sovereignty of the British is maintained in a foreign country is an instrument of moral, or virtuous, force. The rifles employed in putting down the pauperized peasants of Malabar or Burma are the arms of God. But the same weapons in the hands of the oppressed people of India fighting for freedom are instruments of crime. Airplanes bombing the Frontier tribesmen are vehicles of virtue, teaching those depraved people a moral lesson, but any resistance on the part of the latter is "criminal."

The oppressed people and exploited classes are not obliged to respect the moral philosophy of the ruling power. The sovereign right of the Indian people is usurped by foreign power and as the foreign usurpers

maintain themselves in power by force, the Indian people are obliged to use force to recover their sovereign right. A despotic power is always overthrown by force. The force employed in this process is not criminal. On the contrary, precisely the guns carried by the army of the British government of India are instruments of crime. They become instruments of virtue when they are turned against the imperialist state. Weapons in the hands of the oppressed masses of India will be so many hammers to break the chain of a colonial slavery binding one-fifth of the human race.

I am justified in holding this view on the authority of the great English philosophers. Bentham is of the opinion that: "Despotism is veiled under some happy and ingenious phrases as the great power of our ethical system bears witness." Such "happy and ingenious phrases" are used by the British government of India to justify its despotism—"rule of law," "the public security," etc.

Hume is of the opinion that: "In case of enormous tyranny and oppression it is lawful to take arms even against the supreme power and that, as government is a pure human invention for mutual advantage and security, it no longer imposes any obligation either moral or natural when once it ceases to have that tendency."

I hold that the British government of India has been an "enormous tyranny and oppression" for the Indian masses and that it has never been of any advantage for them. So, according to Hume, the national philosopher of England, the people of India are fully justified to take up arms against the present government. In doing so they will not be employing "criminal force"; on the contrary, the force is moral and virtuous only when employed for the conquest and defense of freedom.

* * *

BRITISH RULE A USURPATION

By their very nature, cases like this in which I am involved represent so many attempts to suppress the strivings of the Indian people for freedom. By what

principle of legislation and government are these attacks upon the popular will raised to the dignity of the administration of justice? Has the present government of India any constitutional basis? Was the law under which the people are being persecuted made with popular consent? How did the British King acquire his sovereignty in India? When did the Indian people swear allegiance to the British Crown?

I maintain that the people of India owe no allegiance to the British Crown! Therefore the law under which I am charged has no force of law in the modern civilized sense of the term. Indians are forced to obey it altho they have had nothing to say about its promulgation. The British government of India holds no power of attorney from the Indian people. It is an instrument of predatory imperialism foisted upon this country by violence. There can be no progress, prosperity and liberty for the Indian people until this foreign domination is overthrown. The charge against me is absurd. This trial is a form of violence.

The charge against me hinges on the assumption that the British King has sovereign right over the Indian people. The substance of the offense I am alleged to have committed is to dispute this assumption. If I can show that the assumption is groundless, that the British King has no constitutional position in India, the absurdity of the charge against me will be palpable, the invalidity and the worthlessness of the law under which the charge is made will be proved. Searching the entire history of India's unfortunate relation with Britain, one does not find the least evidence to establish the assumption.

The British Crown acquired its domination over India in a rather singular way. It was not even by conquest that the valuable acquisition was made. It was more like quiet appropriation of stolen or robbed property in return for the help given to the robbers in their depredation. For a hundred years the British East India Company held political power in India, nominally as a vassal of the Moghul Emperor. At the same time the East India Company owed its existence to charters granted by the British Crown thru the Parliament. Towards the end of its existence, the

Company practically ceased to be a trading corporation and became a department of the British government; that is, thru the instrumentality of trading company, actual political power passed gradually from the titular Moghul Emperor to the British Crown. The people of India had nothing to say about the transfer of the power to rule them, nor was the power transferred voluntarily by the Moghul Emperor. All along, the East India Company, as the administrator of India, theoretically derived its authority from its vassalage to the Moghul Emperors, while on the other hand it was accountable not to them but to the British Parliament. So, there were two supreme authorities: one theoretical and the other practical. This dualism typified the entire history of the administration of India by the British East India Company.

In the middle of the nineteenth century, according to its own law officers, the British Crown had no constitutional authority over India and therefore could not claim from the Indians any allegiance. The fact remains that the Indian people never swore allegiance to the British Crown. The Queen's proclamation did not have as its counterpart a reciprocal proclamation on the part of the Indian people. When James II was deposed from the throne of England and his place occupied by a Dutch prince, the change took place on the initiative and authority of the British Parliament. An act of the British Parliament made a foreign prince the King of England. The Queen of England was not made the Empress of India by any such authority of the Indian people.

Even the theory of acquiescence cannot be advanced in support of the constitutionality of the position of the British Crown in India. What might appear as acquiescence on the part of the Indian people is silence imposed by fear.

In his principles of legislation, Bentham completely explodes the theory of acquiescence as the basis for constitutional authority. He writes: "Can a few vague acclamations really be accounted an act of individual and universal concern? Can such a contract really bind the multitude of individuals who never heard of it, who were never summoned to ratify it, and, above all,

who could not have refused assent without risking their lives and estates?" So, in the opinion of the father of modern English principles of government and legislation, the demonstrative loyalty of the parasitic upper classes of India does not lend constitutionality to the British domination.

The only justification of the British rule over India is that it has been a successful act of usurpation. In denouncing the tyrants of ancient Greece, Plato argued that "usurpation is not justified by success." Other Greek philosophers, Aristotle, Xenophon, etc., those spiritual powers of modern European civilization, all held similar views. Discounting the time factor and the resulting change of conditions, the British conquest of India was very similar to the rise of the despotic monarchy on the ruins of the city republics of Greece. In both cases, the aggressors took advantage of troubled conditions to establish their despotic sway. According to Grote, the English author of the splendid *History of Greece*, the philosophers and law-givers of that cradle of modern civilization regarded "the despot as among the greatest criminals; the man who assassinated him was an object of public honor and reward and a virtuous Greek would have seldom scrupled to carry his sword in myrtle branches for the execution of the despot."

* * *

THE SACRED RIGHT OF REVOLUTION

Drinking deep in the fountain of the teachings of the ancient Greek philosophers that it was no crime but honor to destroy a despot, the founders of the modern democratic states of Europe passionately preached the sacred right of revolt. The English philosophers, John Locke and David Hume, were among the illustrious pioneers who preached the sacred right of revolt. It was in England that the right was first asserted. A king was beheaded and another deposed in the process of that great revolution in England. I am accused of having advocated the freedom of Indian people thru a revolution. But we read in the work of Lord John Russell, *The British Constitution*, the following sen-

tence: "The revolution of 1688 is the mighty stock from which all other revolutions had sprung."

Demanding the trial and execution of Charles I, Ludlow exclaimed: "The war has been occasioned by invasion of our right and open breach of our law and constitution on the King's part." Charged as I am, any Indian would be justified to retort in these memorable words of Ludlow, which constitute a very important landmark in the history of England.

If the English people were justified in beheading a king and deposing another to assert their sovereign right, by no law can the Indian people be deprived of the right to overthrow the domination of a foreign king. To subject Indian people to laws not given with their consent is usurpation of powers by those hiding behind the unconstitutional legislature. The usurpers of political power cannot claim the protection of law any more than a robber or a thief can. I challenge the legality of the British government of India and the pretension of the British King to any sovereign right in this country on the authority of Bentham. He wrote: "Not even the age of a Nestor could suffice to secure a usurper in the wages and spoils of his lawless seizure. Why should there ever come a time when the wrongdoer shall be at rest; why should he enjoy the fruits of his crime under protection of the very law he has violated?"

The charter of slavery is no law for the slave. When all the avenues of normal and peaceful progress are blocked by the established order of things, its violent overthrow becomes a necessity for human welfare. We learn again from the English jurist and moralist, Bentham, that "to condemn all change is to condemn all progress."

The despotic fundamental law of the Indian constitution limits the perspective of Indian political progress to "self-government within the British Empire." Those who are not satisfied with this limited perspective automatically come under the sweeping jurisdiction of Section 121A of the Indian Penal Code. Therefore, complete independence of the Indian people inevitably becomes conditional upon the overthrow of the sovereign power assumed illegally by the British Crown. As

the British, on their part, are not likely to abdicate their ill-gotten and unconstitutional power in India, the Indian masses are obliged to get rid of them by force, unless they are prepared to remain enslaved forever. Therefore, the "separation of India from imperialist Britain thru a violent revolution" is an obvious necessity in the interest of the masses of the Indian people. It is not my personal desire; I have no personal grudge against the British King. Let Britain cease to be an imperialist power exploiting the masses of the Indian people to helpless pauperization and the necessity of a violent clash between her and the Indian people will disappear. Let there be no violent oppression and exploitation of the Indian masses and there will be no occasion for a violent revolution. Otherwise, all the repressive laws, all the ruthless force in their administration, all the instruments of imperialist terror, will not be able to retard the march of human progress. In 1797, commenting on the situation in Ireland, Lord Chatham wrote: "There was ambition, there was sedition, there was violence; but no man shall persuade me that it was not the cause of liberty on the one side and tyranny on the other."

These words characterize the situation in India today. We hear men like Mr. V. J. Patel, the ex-president of the Legislative Assembly, sounding the alarm. Speaking in London the other day, he said cautiously: "I am convinced that India is heading towards a revolution and if the government does not concede the Congress demands I do not know what will happen to it. I know that today between revolution and India stands Gandhi and the government must concede India's demand for freedom."

But the demand for the freedom of the Indian people cannot be conceded by the British government, because this demand, if seriously meant, challenges the very existence of the British government in India. As a matter of fact, the law under which I am charged makes such a demand punishable. Complete independence of India means her secession from the British Empire, which inevitably implies the overthrow of the British King's sovereignty in India. Had the Lahore resolution of the National Congress not been hedged in b,

the old creed, it might be legally construed as an offense against the state punishable under section 121A, I.P.C. Even the old phrases would not save the Congress should the government decide to proceed against it for declaring in favor of complete independence. The unwritten law of the constitution of India under British rule binds her perpetually to the Empire. A declaration in favor of complete independence, which means separation from the Empire if it means anything, commits the organization making such a declaration logically to "unconstitutional," "illegal" and "violent" action. Thus the organization comes under the cruel jurisdiction of Section 121A, I.P.C., "conspiracy to deprive the King of his sovereignty of India."

The only law for the oppressed and exploited people of India is the law of revolt—the majestic law of revolutionary struggle for freedom. The imperialist rulers of India violate every day the only law that the people of India can observe under the present conditions. My arrest and trial represent an instance of such violation of our law. To accuse me of any offense is to add insult to injury. I stand here not to answer any such absurd charge and insolent accusation. I stand here to indict the British government of India at the bar of the civilized world for wanton aggression against one-fifth of the human race, for robbing our land, for obstructing our progress in every sense.

* * *

CONSEQUENCES OF BRITISH RULE

The English philosopher, David Hume, who greatly influenced modern political thought thruout Europe, testifies to the legality of my indictment against the British government of India. I have already quoted his opinion to that effect. He held that the people were justified in overthrowing a government when it had ceased to perform the function of guarding the welfare of the community. India has not derived any benefits from the British government. The latter was never established with any such purpose. It was not set up by the people of India to advance mutual interests. On the contrary, it was established with the

purpose of oppressing and exploiting the people of India. It has mercilessly done so for nearly two hundred years. Consequently, the Indian masses today are sunk in the lowest depth of economic ruin and cultural backwardness.

The disastrous consequences of the British rule are depicted in many a document exhibited in this case as evidence of my guilt. These very documents (I refer particularly to Chapters II and V of my book, "India in Transition," Exhibit B) prove my case that the present regime is exceedingly harmful for the masses of the Indian people and therefore must be overthrown in their interests. In support of my case, I shall produce the testimony of an English authority on Indian economic affairs. Mr. Findlay Shiraz, in his latest publication, "Certain Economic Facts in regard to India," estimates the annual per capita income of India at about forty American dollars (that is, slightly over Rs. 100). In his opinion it is the lowest figure of all the civilized countries, being one-twelfth of that in the U. S. A. According to the report of the Department of Commercial Intelligence, the purchasing power of the Indian peasants, that is, of 73% of the entire population, declined 50% last year. According to other English authorities, the total indebtedness of the Indian peasantry is Rs. 700-1,000 Crores. According to the report of the Whitley Commission, the wages in India are lower than in any other modern industrial country and the condition of labor is incredibly bad. Nearly forty-six millions of people are perpetually unemployed in India. Still the Royal Commission of Labor recommends a 10-hour working day, while in all other civilized countries the 8-hour day has been introduced long since and the workers now are demanding its reduction to seven and six hours. In one country, in the Soviet Union, in the land of "bloody" Bolshevism, the attempt to introduce which in this country is my crime, people work seven hours a day for five days a week.

In contrast to these facts, I shall quote another set of facts also given by Mr. Findlay Shiraz. They relate to the military expenditure of a number of countries. The facts cited above show that the masses of the Indian population are incredibly poor. Yet no less

than 45% of the revenue, paid mostly by the Indian pauperized masses, is appropriated for the military budget over which the Legislature has no control. The expenditure on the same item in the budget of some countries much richer than India is as follows: Britain 12.8%, U. S. A. 16.4%, Austria 4.5%, Canada 2.4%, while the most militarized country of the present day, France, spends only 22% of the budget on this item.

One more fact to give the finishing touch to the picture. We have heard various theories about the British administration of the Indian trusteeship, the "white man's burden," the "civilizing mission," "protecting the minorities against the caste Hindus," etc. It is even made to appear that the British have no material interest in ruling India. The fact of the matter is, however, that from India, Britain derives a net income of about 260 Crores a year.

These few facts clearly prove that the British government of India does not perform the function of a modern civilized government. Its concern is not the welfare of the governed. It is an instrument in the hands of foreign exploiters of the country. Again I shall rely upon the testimony of the famous English jurist and political philosopher, Bentham, to establish my contention.

According to Bentham, the function of a government and law is "to provide subsistence, to supply abundance, to encourage equality and to maintain security."

The British government of India cannot claim to have performed any of these functions except the last. It has established order in the country but the maintenance of order has been a plausible pretext to suppress all expression of the popular will. "Law and order" have become chains of slavery for the people. And the Indian masses have paid very heavily for this lesson. Poverty and pauperization of the masses have been their dear price. Let alone abundance, the great majority of the people are not provided with the barest subsistence by the British government, which is guided by the cardinal principle of English liberalism: "Greatest good for the greatest number." Its object has been to secure the greatest gain of the foreign exploiters.

I have already cited the opinion of Hume that it is no crime to take arms against such an oppressive and tyrannical government as the British administration of India has proved to be. Now I shall quote the same authority holding that his verdict, cited already, is applicable even when a government is established constitutionally. He writes:

"It is certain that the people still (that is, even after the establishment of constitutional government) retain the right of resistance since even in these governments (Hume is dealing with constitutional monarchies) the cases wherein resistance is lawful must occur often and greater indulgence must be given to the subjects to defend themselves by force of arms."

What would the national philosopher of England say about trials like this and the law under which trials take place? On the authority of Hume, the Indian people have lawful right to rise up in arms against the British government of India, even if its claim to legality were granted. From this it follows that, even after India has been granted eventually some fraudulent constitution by the British Parliament, the oppressed and exploited masses will still have the right to resist it with arms.

The right of the people to revolt against and overthrow any government is conclusively established by Hume in the following words: "It is gross absurdity to suppress in any government the right of resistance or declare that the supreme power is shared with the people without allowing that it is lawful for them to defend their share against invaders. Therefore, those who would deny the right of resistance have denounced all pretensions to common sense and do not merit a serious answer."

Thus, according to Hume, the authors and the administrators of the law under which I am prosecuted are devoid of common sense. This law is absurd, and the regime based upon such laws is lawless. The right of the Indian people to resist the established government with armed force if necessary can be contested only by denying the very basic principles of modern political philosophy that the supreme power is shared with the people. The British government of India does not

recognize this principle. That means it is pure despotism, and, therefore, it is all the more lawful for the Indian people to overthrow it by every available means.

The attempt to overthrow the despotic rule of our own country by the foreign usurpers of power is no offense. It is an act for the assertion of popular liberty. Once again I cite Hume to testify in my favor. He writes:

"When the chief magistrate (that is, the head of a government or government as a whole) enters into measures extremely pernicious to the public . . . it is allowable to resist and dethrone him tho such resistance and violence may, in general terms of law, be deemed unlawful and rebellious. Nothing is more essential to public interests than the preservation of public liberty."

The laws on the Indian statute book penalizing offenses against the state and the executive ordinances issued frequently on the specious plea of public safety, are measures extremely pernicious to the public liberty because their sole object is to crush public liberty and defend the despotic regime. Indeed, every single administrative act of the government of India is such an extremely pernicious measure as to warrant its overthrow. For it does not rule with the consent of the people, by laws made by their representatives. Even at this very moment, such measures are being taken. The new press law, for example, also justifies resistance to the extent of armed insurrection. In these enlightened days of the twentieth century, such an attack upon the press is intolerable. Then, there is the ruinous exchange policy maintained in the teeth of the unanimous opposition of the elected members of the Legislature. Finally, there is the certification of the budget imposing upon the starving masses new burdens of taxation.

In England, revolutions have taken place on any one of similar issues. But in India, the government, set up by the British conqueror, rules with such measures. Still it claims to be established by law, and ruthlessly suppresses all opposition to its despotic sway.

It is a well known lesson of history that revolutions are inherent in the process of political progress, that

armed resistance to absolute monarchy and other forms of despotic government is the only way to the establishment of a constitutional state. Indians are not bound to obey the so-called laws which would prohibit them from travelling the path of political progress travelled by all other civilized peoples.

I am prosecuted because I have tried to help the Indian people learn from the lessons of history. In pointing out the inevitability of an armed revolution, I have only told an historical truth.

The organization of the nobles who forced King John to sign the Magna Carta is glorified as the founder of the glorious British Constitution. But our efforts in India to organize a party of the workers and peasants with the object of securing national freedom are punishable as "conspiracy" to deprive the British King of his non-existent sovereignty of India.

The illiteracy of the Indian masses is pointed to by our foreign rulers as the sign of India's unripeness for political freedom. But the appalling mass illiteracy in India is a damaging commentary upon her civilized rulers and is a cogent reason for their overthrow from power. However, the point I want to make here is that illiteracy did not prevent the founders of British Constitution from accomplishing their historic mission. The illustrious victors of Runnymede put their cross-marks on the Great Charter. They could not write their names. Inability to wield the pen did not hinder them from demanding and conquering political freedom, as long as they could wield the sword. Force is the lever of all progress. It is the foundation of political freedom. Therefore, it is perfectly lawful for the oppressed and exploited masses of India to use force to resist and to overthrow their foreign rulers.

There are but two alternatives before the Indian people: perpetual colonial slavery, which may eventually be somewhat gilded, or forcible overthrow of the foreign domination. I recommend the latter course which will surely be followed by the oppressed and exploited majority of the Indian people who bear the burden of colonial exploitation.

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INDIA MUST WORK OUT ITS OWN DESTINY!

The Indians have no reason to idealize the British idea of citizenship. They claim to do their own thinking and have their own conception of freedom. There is no reason why the Indians should evolve a political constitution on the British model. In England itself her unwritten constitution has become obsolete. Even there forces are in operation to overthrow the plutocratic dictatorship hidden behind the veil of parliamentarism. A critical examination of the British constitution does not inspire the Indians to idealize it. The British constitution is a bundle of anomalies and contradictions, veiling a modern plutocratic state with medieval monarchist formalities.

Indians are asked to idealize this constitution of plutocratic dictatorship hidden behind the sham of parliamentary democracy and the ugly ghost of medieval monarchy.

I represent those Indians who refuse this honor with thanks. Excepting those few whose fate is bound up with foreign imperialism, who are benefited by the colonial exploitation of the Indian masses, who have sold their national pride for a mess of pottage, the Indians want to work out their own destiny. They will give their country a political system better than the musty British constitution. They will not be satisfied with a puppet parliament at Delhi eventually set up by the dispensation of the sham parliament at Westminster. Nor will they recognize the sovereignty of the British Crown even if some day it will be exercised thru an Indian Viceroy. We will make our constitution not at any Round-Table Conference in London but here in India in the midst of the struggle for the assertion of our right to self-determination. The British Crown presumes to deprive us of this inalienable right. So, the way to the establishment of a constitutional regime in India lies unavoidably thru a revolutionary war against the British King who has usurped power in India. We are not making the war. It is levied against the Indian people by the British King. The Indians must fight in self-defense. If the Indian people are to have democratic freedom and un-

restricted progress in all branches of their national life, they must travel the road of revolution just as it has been done by all the peoples who stand at the van of modern civilization.

The essence of the charge against me is that I have tried to organize a violent revolution for the overthrow of the British Government of India. The issue involved in trials like this is the right of the oppressed people to revolt against and overthrow the imperialist state. The British King is but the emblem of imperialism which oppresses and exploits the Indian people. The theory of conspiracy is but a legal pretext. This trial is an expression of the conflict between popular will and the established law. The conflict must end in a violent clash, unless the established law is changed according to the will of the people. But laws of maintenance of a given state are in their turn defended by the coercive machinery, namely the police, the courts and finally the army. The process of political evolution is inevitably subject to periodical violent outbreak, because of the resistance of the established order.

"Revolutions," says the historian Gardner, "no less than smaller political changes, are to be accounted for as steps in the historical development of nations. They are more violent and of longer duration in proportion to the stubborn resistance offered to them by the institutions which stand in their way."

The point of departure of all my propaganda and action is that foreign domination hinders the progress of the Indian people in every branch of life; therefore it must be destroyed. Whether the necessary separation should be by violent or non-violent means does not depend upon the people wanting to be free. It depends upon the one that holds the other in subjugation. Let the British gracefully withdraw from our country then there would be no need for using violent means for securing its separation from imperialist Britain. The people of India are obliged to employ violence in their struggle for national freedom and political and social progress, because British imperialism does not let them be free and advance peacefully. In more than one document exhibited here, I have made it clear that we are not in favor of violence by

choice, that the Indian people must adopt violent means by necessity unless they would remain in perpetual colonial slavery.

I have proved that revolutions are periodical violent outbreaks inherent in the process of evolution in the sphere of social existence. So, it is but a logical statement that revolutionaries cannot believe in non-violence as a principle. The basic principle of the party of the working class is the economic emancipation of the toiling masses. The parasitic possessing classes cannot exist and thrive except upon the product of labor of the producing classes, that is, except by expropriating the producers. Should the producing masses want to have the full value of their labor, they are sure to run up against the resistance of the parasitic possessing classes. They are entrenched behind laws, protecting their interests thru their courts which are at their disposal. Therefore, a party standing for the economic emancipation of the workers and peasants, demanding that the toilers should get the full value of their labor, cannot make a creed of non-violence. By its very nature, it is bound to meet the resistance of those who live and prosper upon exploitation and oppression.

I have not tried to invent "a violent revolution" out of my perverse imagination or by acting as "agent" of the Communist International. Whatever propaganda I have made and action I have recommended are warranted by the objective conditions of the country.

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NOT A CONSPIRACY BUT A REVOLUTION!

The evidence proves that I pointed out the inevitability of a revolutionary change in the social and political conditions of India and that the welfare of the toiling masses was dependent upon the revolution. I have been working for the welfare of the Indian masses and have urged the elimination of all obstacles in the way to that goal. I tried to organize a working class party because it is necessary for the liberation of the masses from political slavery, economic exploitation and social degradation. The party is a historic necessity and has a historically revolutionary mission. It is neither a

conspiracy nor a weapon in any conspiracy. The British King, as well as any other power that stands in the way of the progress and prosperity of the Indian masses, must go.

Of course, our attempt to organize a party of the workers and peasants would be a Quixotic venture had the condition of the masses been really what the public prosecutor imagines it to be. In his opening address he told the assessors that the Indian peasants were happy in their misery and that I was trying to disturb their happiness for some sinister purpose of mine. I have already given a few facts and figures to show that "happy peasants" live only in the imagination of the public prosecutor, unless the gentleman would venture to advance a theory that the less one eats and the more one toils the happier he is.

In reality, the government is against the most harmless economic program, for its enforcement would mean loss to imperialism and its Indian allies, the princes, big landlords and capitalists. Therefore, the realization of the program will necessarily mean violation of the laws of the imperialist government. The function of the laws is to hold the masses on the starvation level so that foreign imperialism and its native allies can grow rich, and to suppress the attempts of the masses to rise above the present conditions.

I have not preached violent revolution. I have maintained that revolution is a historic necessity. From time to time, surging forces of social progress reach the period of a violent outburst. This is caused by the resistance of the old to the new. An impending revolution produces its pioneers who force events and herald the maturing of the conflict. The task of the revolutionary vanguard is to expedite the historical process caused by objective necessity. They consciously organize the forces of the revolution and lead them to victory. I have acted as a pioneer of the Indian revolution; but the revolution itself is not my invention. It grows out of the historical conditions of the country. I have simply been one who perceived it earlier than others.

Holding such a dynamic view of the revolution, I could not possibly be a conspirator. As a matter of

fact, I have always maintained that revolution is not a conspiracy and that conspiratorial activities are not always necessarily revolutionary. Consequently, I have been opposed to secret activities and acts of individual terrorism. Political assassination has no place in my theory and practice of revolution.

I have not tried to manufacture a revolution and to use the workers and peasants as raw materials for my sinister fabrication, nor do I believe that the secret association of a few individuals can serve the purpose of a revolution. My approach to the matter is not subjective. My propaganda and other activities have been based upon an analysis of the objective conditions inevitably making for a revolution. Therefore, I could never be a conspirator. I am too much of a revolutionary to be a conspirator.

The propaganda I carried on between 1921-24 was undoubtedly revolutionary, but it had absolutely nothing to do with conspiracy. I have maintained that the progress of the Indian people was conditional upon their freedom from imperialist domination. It is for my prosecutors to prove that it is not so, that imperialist exploitation does not block the progress of the Indian masses. I have also expressed the opinion that the foreign conquerors would never leave our country voluntarily. Let the British government prove that my opinion is wrong. I have not, however, conspired to deprive the British King of the sovereignty which he does not possess. His is the right of conquest and usurpation. Ours is the right of revolt and self-determination.

The burden of the prosecution evidence is that I hold certain revolutionary political and social views, that I have propagated these views and that I have tried to organize a party of the working class with the object of putting those views into practice. I admit all this but I maintain that this does not establish the charge against me. My conviction would mean an attack upon the freedom of opinion, expression and association.

I do not make a secret of my determination of helping the organization of the great revolution which must take place in order to open up before the Indian

masses the road to liberty, progress and prosperity. The impending revolution is an historic necessity. Conditions for it are maturing rapidly. Colonial exploitation of the country creates those conditions. So, I am not responsible for the revolution, nor is the Communist International. Imperialism is responsible for it. My punishment, therefore, will not stop the revolution. Imperialism has created its own grave-digger, namely, the forces of national revolution. These will continue operating till their historic task is accomplished. No law, however ruthless may be the sanction behind it, can suppress them.

The very adjective "violent" is superfluous in the case of revolution, for revolution by its very nature implies violence. The object of a revolution is to overthrow the established social order buttressed upon a particular type of political state. The function of the state is to suppress and coerce all opposition to the established order. The essence of the state power is violence. A revolution, that is, a radical social and economic transformation of society according to the need of the given epoch, is therefore conditional upon the overthrow of the state defending the established order. Consequently, by its very nature, revolution is inseparable from violence. The resistance of the established order is responsible for it.

The charge against me represents a gross violation of the Indian people's right to liberty, to set up their own government responsible to themselves in place of the present despotic foreign regime. In refuting the absurd charge, I have purposely not called in the evidence of foreign and frankly revolutionary authorities. I have relied exclusively upon liberal English thinkers and respectable constitutional lawyers to establish my case. I justify what I have held and done on the unchallengeable authority of Locke, Hume, Bentham, Bagehot, Dicey and even Blackstone. You can not punish me unless you prescribe the writings of these political philosophers and constitutional lawyers as seditious, revolutionary and treasonable. I may be punished, nevertheless. I am the victim of a system which knows no other law than the law of coercion and violence.

But I may warn this court in the words of another historian of the British constitution. Referring to the case of Hampden, Lord John Russell wrote: "The judges in Westminster Hall decided against him but the country was roused and overbalanced by their sympathy the judgment of a court of law."